

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

BRUCE H. MORRISON SR.,

Plaintiff,

-against-

NEW YORK ARCHDIOCESE, ST.
PATRICK ELEMENTARY SCHOOL, BABE
RUTH LEAGUE, INC., GREAT KILLS
BABE RUTH LEAGE, ANTHONY
SAGONA, ABC CORPORATIONS 1-10,
AND JOHN DOES 1-10.

Defendants.

Index No.

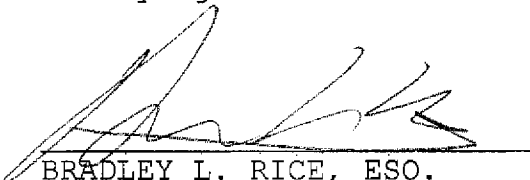
SUMMONS

To the above named Defendants:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on the *Plaintiff* within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the Complaint.

Richmond County is designated as the place for trial. The basis for venue is that the torts underlying this action occurred in Richmond County.

Dated: Roseland, New Jersey
August 14, 2019



BRADLEY L. RICE, ESQ.
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Roseland, New Jersey 07068
Phone: (973) 618-0400
(Please respond to the NJ
Office)

TO: NEW YORK ARCHDIOCESE
1011 1st Avenue
New York, NY 10022

ST. PATRICK ELEMENTARY SCHOOL
3560 Richmond Road
Staten Island, New York 10306

BABE RUTH LEAGUE, INC
1670 Whitehorse-Mercerville Rd.
Hamilton, New Jersey 08619

GREAT KILLS BABE RUTH LEAGUE
11 Fieldway Avenue
Staten Island, New York 10308

ANTHONY SAGONA
114 Picadilly Dr.
Morganville, New Jersey

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COMPLAINT & JURY DEMAND

Plaintiff, Bruce H. Morrison Sr. ("Plaintiff" of
"Morrison"), by and through his attorneys, Nagel Rice LLP,
hereby states as and for his complaint against the defendants
the following:

INTRODUCTION

1. This action arises out of the sexual molestation of Plaintiff by defendant Anthony Sagona, while Morrison was a student at St. Patrick Elementary School in Staten Island and a participant in Babe Ruth league baseball in State Island. Between the ages of approximately thirteen and sixteen, plaintiff was repeatedly sexually molested and abused by Mr. Sagona, who at all relevant times, served as a coach for St. Patrick Elementary School (under the supervision and control of the Archdiocese of New York) and both a coach and executive for the Great Kills Babe Ruth League

(under the supervision and control of the international Babe Ruth League). Mr. Morrison brings this action against the defendants for compensatory and punitive damages as a result of the defendants' acts and omissions.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to CPLR § 301 because the Defendants either reside or conduct business in the State of New York. Alternatively, this Court has jurisdiction pursuant to CPLR § 302 because the tortious acts alleged herein took place within the State of New York, County of Richmond.

3. Venue is proper in this Court under CPLR § 503(a) because a substantial part of the events and omissions that give rise to this claim occurred in Richmond County.

PARTIES

4. Plaintiff Bruce H. Morrison, Sr. is an individual with a principal address of 200 Asphodel Dr., Dothan Alabama 36303.

5. Defendant New York Archdiocese ("Archdiocese") is, upon information and belief a non-profit organization or religious organization operating or doing business in the State of New York, County of New York. The Archdiocese is the governing body that oversees, regulates, supervises and controls each Catholic school within its geographic boundary, including defendant St. Patrick Elementary School. In the decades preceding the abuse alleged in

this action, upon information and belief, the Archdiocese had or should have had actual and/or constructive knowledge that employees, volunteers, agents, and other persons offering services at Catholic schools supervised by the Archdiocese engaged in child sexual abuse. Further, upon information and belief, in the decades preceding the abuse alleged in this action, the Archdiocese took no steps to protect the children under their control and instead took steps to protect the abusers within their organizations.

6. Defendant St. Patrick Elementary School ("St. Patrick") is a Catholic Elementary School with a principal address of 3560 Richmond Road, Staten Island, New York 10306. Upon information and belief, the Archdiocese exercise control over St. Patrick's operations, including having control over the hiring, retention and supervision of employees and coaches.

7. Defendant Babe Ruth League, Inc. ("Babe Ruth") is a not-for-profit New Jersey corporation with a principal business address of 1670 Whitehorse-Mercerville Rd., Hamilton, New Jersey 08619. Babe Ruth is an international youth baseball and softball league that supervises over one million youth participants between the ages of four through eighteen, in over 60,000 individual teams in more than 11,000 individual leagues. Babe Ruth was created to permit boys ages 13-15 to continue playing baseball after the end of their little league careers. Babe Ruth issues charters to individual leagues and, upon information and belief, requires each

chartered league to abide by and comply with Babe Ruth's policies and procedures. Upon information and belief, Babe Ruth collects payments from each local league to support the general mission and goals of Babe Ruth League baseball.

8. Defendant Great Kills Babe Ruth League ("Great Kills") is a non-profit New York entity with a principal address of 11 Fieldway Avenue, Staten Island, New York 10308. Upon information and belief, Great Kills is a chartered Babe Ruth league and acts under the authority, policies, and procedures of Babe Ruth.

9. At all relevant times, Defendant Anthony Sagona ("Sagona") is an individual with a last known address, upon information and belief, of 114 Picadilly Dr., Morganville, New Jersey. During all relevant times, Sagona served as the basketball coach at St. Patrick, a volunteer baseball coach with Babe Ruth and Great Kills and a member of the board of directors for Great Kills.

10. At all relevant times, defendants ABC Corporations 1-10 (said names being fictitious, true identities presently unknown) are corporations, or other entities whose identifies are presently unknown, but who may through discovery be found to be liable in whole or in part for all allegations contained in this Complaint.

11. At all relevant times, defendants John Does 1-10 (said names being fictitious, true identities presently unknown) are individuals whose identifies are presently unknown, but who may

through discovery be found to be liable in whole or in part for all allegations contained in this Complaint.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

12. In 1972, Sagona was employed as basketball coach at St. Patrick and volunteered as a baseball coach for the Great Kills where he also served on the Great Kills board of directors. In his role as coach, Sagano acted as a parent and/or guardian for all of the children he was supervising.

13. In 1972, Morrison was a sixth grade student at St. Patrick, a member of the St. Patrick basketball team, and a participant in the Great Kills Babe Ruth League.

14. Beginning in 1972, Sagona served as Morrison's basketball coach at St. Patrick.

15. In addition, in 1972, Morrison was thirteen years old and a participant in the Great Kills Babe Ruth League. Mr. Sagona was Mr. Morrison's baseball coach.

16. When entering the Babe Ruth league at age thirteen, the participants in the Great Kills league were placed on either a basic league team, which was for all participants, or select players could be named to the "upper league", which consisted of those players the coaches believed contained considerable skill.

17. Mr. Sagona was the coach of the upper league team in or around 1972-1977.

18. As coach, Mr. Sagona would often select individual players for "special projects." These projects were presented as unique opportunities for the players to receive special training and attention from Coach Sagona.

19. All players on the upper league viewed the special projects as an honor and strove to be selected for such projects as it meant that the Coach believed the children were skilled baseball players.

20. Morrison was often selected by Coach Sagona for special projects.

21. It was during this time that Sagona began befriending Morrison and began a grooming process of Morrison.

22. Sagona, through his role as a basketball and baseball coach of Morrison, was aware that Plaintiff came from a single mother household, had no father or male role model in his life. Sagona held himself out to be a trusted adult in Morrison's life and a role model. Sagona befriended Morrison, made him feel important, took him out for meals, and bought him gifts.

23. As a result of the power and authority Sagona had from his roles within St. Patrick and Great Kills, Morrison was conditioned to trust Sagona, comply with his directions, and respect Sagona as a mentor. Eventually, Sagona abused this position of trust and what Morrison believed was a true friendship turned sexual.

24. While on the property of St. Patrick and at Great Kills practices and games, Sagona would pet Morrison's face, back and leg. Upon information and belief, such touching was witnessed by other teammates of Morrison, parents of the team members, and employees and/or agents of St. Patrick and Great Kills.

25. In addition, Sagona would often watch Morrison undress with the rest of the St. Patrick's basketball team in the boy's locker room. Upon information and belief, other employees or agents of St. Patrick knew of or should have known of such conduct by Sagona.

26. Sagona escalated his contact with Plaintiff by asking him about his experiences with puberty. Sagona would also ask whether Plaintiff masturbated.

27. On one occasion, Sagona requested that Plaintiff masturbate and ejaculate into a paper and give the paper to Sagona.

28. Eventually, Sagona's actions turned physical. The first physical manifestation of Sagona's abuse occurred at Sagona's home at 19 Cromer St., Staten Island, New York.

29. Sagona began having Morrison and himself perform mutual masturbation when Morrison was in sixth grade. Eventually this conduct escalated to oral sex, which Morrison would both perform and receive.

30. These episodes of sexual conduct occurred over a three year period, at various locations.

31. Much of the sexual abuse occurred at Sagona's home at 19 Cromer St., in Staten Island. Continuing his pattern of "mentoring" Morrison, Sagona would drive Morrison to and from practices and would often stop at his home for sexual conduct.

32. In one instance, following a basketball game at the Boys and Girls Club of Paterson and Passaic, New Jersey, Sagano drove Morrison home. On the way back to Staten Island, Sagona stopped at a motel in New Jersey, rented a room, had Morrison undress, lay naked in bed with Sagano and engage in sexual touching and oral sex. Following this encounter, when Morrison got home, Sagona later called him, told Morrison that everything was ok and that their time in the hotel would be their secret.

33. Over the three year period of abuse, Morrison eventually became numb to the sexual conduct, believing it to be a natural part of the loving friendship he had with Sagona.

34. During the three years of abuse, upon information and belief, employees of St. Patrick witnessed Sagona spending inordinate amounts of time with Morrison. Similarly, upon information and belief, volunteers, directors, and coaches within Great Kills were aware of the amount of alone time Sagona spent with Morrison and other specific children.

COUNT I
NEGLIGENCE

(Against The Archdiocese, St. Patrick, Babe Ruth, and Great Kills)

35. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

36. Defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills owed Plaintiff a duty to use reasonable care to ensure the safety and well-being of each youth who attended and/or participated in sports programs managed, controlled, supervised or operated by these defendants.

37. Upon information and belief, defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills had or should have had actual and/or constructive knowledge that Sagona was a sexual predator and was sexually abusing Morrison.

38. Defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills took no steps to prevent or stop Sagona's abuse of Morrison.

39. As a direct and proximate result of the negligence and carelessness of the defendants the Archdiocese, St. Patrick, Babe Ruth, Great Kills, John Does 1-10 and ABC Entities 1-10, Morrison sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morrison demands judgment against defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills, jointly and severally, or in the alternative for damages,

punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT II
NEGLIGENT HIRING, SUPERVISION, AND RETENTION
(Against The Archdiocese, St. Patrick, Babe Ruth, and Great Kills)

40. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

41. At all relevant times, Sagona was a coach at St. Patrick, approved and authorized by the Archdiocese and St. Patrick to supervise, mentor, and care for teenage males.

42. At all relevant times Sagona was a coach and executive in Great Kills, approved and authorized by the Babe Ruth and Great Kill to supervise, mentor, and care for teenage males.

43. The positions for which Sagona was retained required him to work closely with, mentor, and counsel, young boys.

44. At all relevant times, Defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills had the duty to hire, properly train, oversee, and supervise Sagona.

45. Defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills breached the aforesaid duty, and their actions and inactions damage Plaintiff.

46. As a direct and proximate result of the negligence and carelessness of the defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills, John Does 1-10 and ABC Entities 1-10,

Morrison sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morrison demands judgment against defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT III

**FAILURE TO WARN AND IMPLEMENT ADEQUATE CHILD SEX ABUSE POLICIES
(Against The Archdiocese, St. Patrick, Babe Ruth, and Great
Kills)**

47. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

48. At all times relevant the defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills failed to exercise reasonable care and failed to take reasonable precautions for the safety and well-being of the students of St. Patrick and the participants in Babe Ruth baseball, including, but not limited to Morrison.

49. At all times relevant the defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills failed to enact and/or enforce adequate written and/or verbal policies, procedures, and regulations to educate, identify, prevent, and stop child sexual abuse from occurring to the children under the defendants' care.

50. Defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills were negligent and breached the aforesaid duties, and their actions and inactions were unreasonable.

51. Defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills actions and inactions, including but not limited to their failure to take appropriate remedial action to prevent and/or address the aforesaid conduct, failure to have an appropriate written procedure to prevent and/or address said conduct, and failure to propound and disseminate policies to educate, identify, prevent, and stop child sexual abuse from occurring, were negligent, improper and careless.

52. As a direct and proximate result of the negligence and carelessness of the defendants the Archdiocese, St. Patrick, Babe Ruth, Great Kills, John Does 1-10 and ABC Entities 1-10, Morrison sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morrison demands judgment against defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT IV
RESPONDEAT SUPERIOR

(Against The Archdiocese, St. Patrick, Babe Ruth, and Great Kills)

53. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

54. Between the ages of thirteen and sixteen, on numerous occasions, Sagona sexually molested Morrison while Sagona was a coach at St. Patrick and a coach and executive of Great Kills.

55. It was part of Mr. Sagona's role as a coach to serve as a mentor, role model, and counselor to the children under his care. It was also part of Mr. Sagona's roles at St. Patrick and Great Kill to gain the trust of the children under his care, including Morrison.

56. Sagona used his positions with St. Patrick, Great Kill and Babe Ruth, and the power vested in him by the Archdiocese, St. Patrick, Great Kill and Babe Ruth, to gain Morrison's trust and confidence and to create opportunities to be alone with and abuse Morrison.

57. The Archdiocese, St. Patrick, Babe Ruth and Great Kill are liable for Sagona's sexual abuse of Morrison under the doctrine of *respondeat superior*.

58. As a direct and proximate result, Morrison sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morrison demands judgment against defendants the Archdiocese, St. Patrick, Babe Ruth, and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT V
ASSAULT AND BATTERY
(Against Sagona)

59. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

60. Sagona's sexual abuse of Morrison when Morrison was a minor was extreme, intentional and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

61. Sagona's sexually abusive conduct against Morrison constitutes an intentional, unwarranted physical touching and intrusion into Morrison's personal space, his physical well-being, and psychological state.

62. As a direct and proximate result of the intentional conduct of Sagona, Morrison sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morrison demands judgment against defendant Sagona, or in the alternative for damages, punitive

damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT VI
INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS
(Against Sagona)

63. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

64. Sagona's sexual abuse of Morrison when Morrison was a minor was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

65. At the time Sagona sexually abused and molested Morrison, which Sagona knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress.

66. As a direct and proximate result of the intentional conduct of Sagona, Morrison sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morrison demands judgment against defendant Sagona, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT VII
NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS
(Against All Defendants)

67. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

68. All Defendants owed a duty to Morrison, by virtue of his status as a minor and participant in the basketball and baseball leagues organized, sponsored, supervised, and or run by defendants the Archdiocese, St. Patrick, Babe Ruth and/or Great Kills.

69. It was part of Mr. Sagona's role as a coach to serve as a mentor, role model, and counselor to the children under his care. It was also part of Mr. Sagona's roles at St. Patrick and Great Kill to gain the trust of the children under his care, including Morrison.

70. Sagona used his positions with St. Patrick, Great Kill and Babe Ruth, and the power vested in him by the Archdiocese, St. Patrick, Great Kill and Babe Ruth, to gain Morrison's trust and confidence and to create opportunities to be alone with and abuse Morrison.

71. Sagona breached his duty to Morrison by sexually abusing Morrison.

72. Defendants the Archdiocese, St. Patrick, Babe Ruth, Great Kills, and Sagona breached their duties to Morrison through their negligent retention, supervision, failure to warn, and other actions and inactions that permitted Sagona to abuse Morrison over a three year period.

73. As a direct and proximate result of the negligent conduct of the defendants the Archdiocese, St. Patrick, Babe Ruth, Great Kills, Sagona, John Does 1-10 and ABC Entities 1-10, Morrison sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morrison demands judgment against defendants the Archdiocese, St. Patrick, Babe Ruth, Great Kills, and Sagona, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

JURY DEMAND

74. Plaintiff demands a trial by jury of all issues.

Dated: Roseland, New Jersey
August 14, 2019

NAGEL RICE, LLP

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